

**Notice of Allowability**

Application No.

10/803,378

Examiner

Ajay Vasudeva

Applicant(s)

FERRARA, THOMAS B.

Art Unit

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/26/2007 and interview summary dated 11/06/2007.
2. ☒ The allowed claim(s) is/are 18, 41-53 and 58-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gerald Dudding on 11/06/2007.

2. The application has been amended as follows:

#### In the ABSTRACT

The original abstract

**"A method and structure for forming and using a portable floatation apparatus. The portable floatation apparatus comprises a platform structure physically attached to a buoyancy structure and at least one removable buoyancy structure removably attached to the portable floatation apparatus. The floatation apparatus is adapted to support a dog over water."**

has been changed to

**-- A portable floatation apparatus comprising a platform, a ramp, and a buoyancy structure non-removably attached to the platform. At least one buoyancy structure may be removably attached under the platform to adjust the buoyancy of the floatation apparatus. The platform may be perforated to allow liquids to drain through the perforations. A membrane structure may be removably attached to a bottom side of the floatation apparatus to capture any liquid draining through the perforations. The floatation apparatus is adapted to support an animal, such as a pet dog or a pet cat, over the body of water. --**

**In the CLAIMS** (see Applicant's Amendment filed 6/26/2007)

- **Claims 2-3, 5-12, 14-17 and 57 are cancelled.**
- **In claim 18 (on line 6), after "removably attached to the", "**floatation**" has been changed to – platform --.**
- **New claims 58-71 have been added, as follows:**

**-- Claim 58: (new) A flotation apparatus, comprising:**

**a platform having an upper surface, a lower surface, and a perimeter;**

**a buoyancy structure having a top surface and a perimeter, wherein the buoyancy structure is non-removably attached to the platform along the perimeter of the platform so that the upper surface of the platform is recessed with respect to the top surface of the buoyancy structure;**

**a plurality of nested endless tubular structures extending proximate the perimeter of the platform, wherein each endless tubular structure is buoyant and removably attached to the lower surface of the platform, wherein the largest of the endless tubular structures is adjacent the non-removably attached buoyancy structure and has a perimeter less than or equal to the perimeter of the platform, wherein each succeeding adjacent tubular structure has a smaller perimeter than a preceding endless tubular structure.**

**Claim 59: (new)** The floatation apparatus of claim 58, further comprising at least one attachment structure selected from the group consisting of a hook at each end of a strap, an eye bolt at each end of a strap, and a hook and an eye bolt at each end of a strap, wherein one end of the strap is attachable to the floatation apparatus and the other end of the strap is attachable to an object, in order to secure the floatation apparatus to the object.

**Claim 60: (new)** The floatation apparatus of claim 59, wherein the object is a railing of a swimming pool.

**Claim 61: (new)** The floatation apparatus of claim 59, wherein the object is selected from the group consisting of a dock and a boat.

**Claim 62: (new)** The floatation apparatus of claim 58, further comprising at least one resilient member, wherein one end of the resilient member is attachable to a shading structure and the other end of the resilient member is attached to the floatation apparatus.

**Claim 63: (new)** The floatation apparatus of claim 62, wherein the shading structure is selected from the group consisting of an umbrella and a canopy.

**Claim 64: (new) The floatation apparatus of claim 58, wherein the non- removably attached buoyancy structure is selected from the group consisting of an inflatable buoyancy structure, a hollow tubular buoyancy structure, and a polystyrene buoyancy structure.**

**Claim 65: (new) The floatation apparatus of claim 58, wherein the non- removably attached buoyancy structure comprises a material selected from the group consisting of PVC, and polystyrene.**

**Claim 66: (new) The floatation apparatus of claim 58, wherein the at least one endless tubular structure is an inflatable floatation structure.**

**Claim 67: (new) The floatation apparatus of claim 58, wherein the at least one endless tubular structure comprises a material selected from the group consisting of polyvinylchloride, and polystyrene.**

**Claim 68: (new) The floatation apparatus of claim 58, wherein the platform comprises a material selected from the group consisting of PVC, plastic, wood, and fiberglass.**

**Claim 69: (new) The floatation apparatus of claim 58, further comprising a ramp, wherein the ramp is removably attached to the floatation apparatus, and wherein the ramp is adapted to support a pet over the water.**

**Claim 70: (new) The floatation apparatus of claim 58, further comprising a barrier structure around the perimeter of the platform, wherein the barrier structure is removably attached to the floatation apparatus, and wherein the barrier structure is adapted to restrain a pet from exiting the floatation apparatus.**

**Claim 71: (new) The floatation apparatus of claim 58, wherein the platform comprises perforations adapted to drain a liquid from the platform. --**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ajay Vasudeva  
Primary Examiner  
Art Unit 3617

*Ajay Vasudeva*  
11/8/07